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Letter dated 24 July 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to inform you that the Peace and Security Council of the African Union at its 198th meeting, on 21 July 2009, adopted a communiqué on the situation in Darfur (see annex).

I should therefore be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdurrahman M. **Shalgham**
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of the Libyan Arab Jamahiriya to the United Nations

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Annex to the letter dated 24 July 2009 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the 198th Meeting of the Peace and Security Council

The Peace and Security Council of the African Union (AU), at its 198th meeting held on 21 July 2009, reviewed the situation in Darfur and adopted the following decision:

Council,

1. *Takes note* of the report of the Chairperson of the Commission on the situation in Darfur [PSC/PR/2(CXCVIII)], as well as the statements made by the Commissioner for Peace and Security, the Joint AU/UN Special Representative for UNAMID and the Government of the Sudan;

2. *Recalls* its previous decisions and communiqués on the situation in Darfur;

3. *Notes* that the security situation on the ground has generally been calm over the past few months. Nevertheless, Council expresses concern at the occasional armed clashes that have taken place between various armed parties, including the incidents that took place in Muhajirya and around Karnoi and Um Buru, in January and May 2009 respectively, inter-tribal fighting among Arab communities, kidnapping of humanitarian workers and the prevailing insecurity in and around the IDP camps, as well as tensions along the Chad-Sudan border;

4. *Notes* the progress made in the deployment of UNAMID, particularly the military component, which has now reached 69 per cent of the authorized strength of 19,555 military personnel, and the aim of UNAMID to reach 97 per cent deployment by the end of the year. Council commends the personnel and leadership of the Mission for their dedication and contribution to the promotion of lasting peace and reconciliation in Darfur. In particular, Council pays tribute to the outgoing UNAMID Force Commander, General Martin Luther Agwai (Nigeria), and welcomes the appointment of Lieutenant General Patrick Nyamvumba from Rwanda as the new Force Commander as of 1 September 2009;

5. *Welcomes* the existing cooperation between UNAMID and the Government of the Sudan. In this respect, Council notes the regular consultative meetings of the Tripartite Coordination Committee comprising the Government of the Sudan, the AU and the United Nations, which has been an effective mechanism in addressing all matters relating to the deployment and operations of UNAMID. Council welcomes the agreed outcome of the last meeting of the Tripartite Committee, which took place at Khartoum on 12 July 2009;

6. *Notes* that, in spite of the progress made, UNAMID still faces critical gaps in the area of aviation and force enablers. In this respect, Council reiterates its call on the countries having the necessary capabilities to provide UNAMID with the

required military enablers, to enhance the capacity of the Mission, and allow it to carry out its mandate more effectively. Council reiterates its appreciation to the Government of Ethiopia for agreeing to provide five tactical helicopters, and looks forward to their early deployment to the Mission area;

7. *Expresses* concern at the lack of progress in the talks between the Government of the Sudan and the Justice and Equality Movement (JEM) and the impasse in the implementation of the Agreement of Goodwill and Confidence Building for the Settlement of the Conflict in Darfur signed between the two parties in Doha, Qatar, on 17 February 2009. Council strongly calls upon the signatories to work towards the implementation of the Agreement and to engage in substantive negotiations without preconditions. Council encourages the efforts being deployed by the AU/UN Joint Chief Mediator, Djibril Yipènè Bassolé, Libya and the Government of Qatar, as well as other regional and international partners, especially the newly appointed US Special Envoy for Darfur, Jonathan Scott Gration, to push forward the peace process, including the support provided for the process of unifying the armed movements signatories to the Tripoli Pact;

8. *Stresses* the need for speedy progress in the search for peace, security, justice and reconciliation in Darfur, bearing in mind that civilians in that region continue to be exposed to an unacceptable risk of violence, millions of people continue to live in IDP camps or as refugees in neighbouring Chad and the increasing frustration in the IDP camps, as well as the need to create inclusive and broad-based conditions conducive for the successful holding in Darfur of the April 2010 national elections, provided for by the Comprehensive Peace Agreement (CPA), and the fact that some provisions of the Darfur Peace Agreement (DPA) of 5 May 2006 will expire in 2010, with the elections and the scheduled referendum, on whether Darfur should be one region or remain as constituted presently with three regional States;

9. *Calls on* all the Sudanese parties to demonstrate the necessary political will and engage in dialogue without preconditions. In this respect, Council notes the expressed readiness of the Government of the Sudan to engage in negotiations with the armed movements. Council strongly condemns the military operations in Muhajirya and around Karnoi and Um Buru, as well as all other acts of violence, and urges the Government of the Sudan and the armed movements, in particular the JEM, to refrain from any military action;

10. *Expresses* its conviction that the achievement of lasting peace and reconciliation in Darfur requires that the Sudanese stakeholders take full ownership of the process, with the international community playing a supportive role. In this respect, Council welcomes the increasing engagement of all the Sudanese stakeholders in search for a solution to the crisis in Darfur, as demonstrated by the Sudan's People Forum (SPF) of October 2008, and encourages them to build on the recommendations made by the SPF in their quest for peace and reconciliation in Darfur.

11. *Stresses* the need for the ongoing efforts to re-energize the political process between the conflicting parties and accelerate the deployment of UNAMID to be complemented by renewed initiatives for peacemaking at local level. In this respect, Council reiterates its support for the efforts being made by local authorities, tribal chiefs and, in selected places, UNAMID, including through Quick Impact Projects, which have succeeded in reducing violence, principally through a

succession of inter-tribal peace agreements. Council underlines the importance of the Darfur-Darfur Dialogue and Consultation (DDDC), as a means of ensuring the involvement of all the Darfurian stakeholders in the search for peace and reconciliation, and calls for increased financial support to the DDDC process;

12. *Expresses* its profound appreciation to the AU High-Level Panel on Darfur (AUPD) and to its Chairperson, former President Thabo Mbeki, for the extensive consultations it has undertaken with the Sudanese and international stakeholders, including the public hearings organized, in Khartoum and Darfur, with a wide range of stakeholders (Darfurian military commanders, political parties, civil society organizations and tribal leaders). Council eagerly anticipates the recommendations to be submitted by the Panel and is confident that they will provide a clear road map on how best to achieve peace, justice, reconciliation and healing in Darfur, thereby contributing to the overall objective of sustaining peace and stability in the Sudan as a whole;

13. *Reaffirms* the commitment of the AU to combat impunity, in line with the relevant provisions of the AU Constitutive Act, and strongly condemns the violations of human rights and international humanitarian law, including attacks against humanitarian workers and all other acts of violence against civilians. In that regard, Council once again, requests that concrete steps be taken to investigate the abuses committed in Darfur and bring their perpetrators to justice;

14. *Urges*, once again the United Nations Security Council to heed the AU's call for the deferral of the process initiated by the International Criminal Court (ICC) against President Omar Hassan Al Bashir in the interest of peace, justice and reconciliation. In the meantime, Council reiterates earlier AU decisions on the ICC process, in particular the non-cooperation of AU member States with the arrest and surrender of President Al Bashir. In this respect, Council requests all AU member States to respect decision Assembly/AU/Dec.245 (XIII) adopted by the Assembly of the Union at its 13th ordinary session held in Sirte, Libya, from 1 to 3 July 2009;

15. *Underscores*, once again, the importance of the normalization of the relations between Chad and Sudan, as part of the efforts to promote regional stability and facilitate the resolution of the conflict in Darfur. In this regard, and in light of the decision adopted by the 13th ordinary session of the Assembly of the Union on the report of the Peace and Security Council on its activities and the state of peace and security in Africa [Assembly/AU/Dec.252(XIII)], stresses the need for renewed efforts in promoting relations of good neighbourliness and trust between the two countries, calls for the scrupulous implementation of the Agreements they have concluded, and urges the co-chairs of the Contact Group established by the Dakar Agreement of 13 March 2008 to resume its work;

16. *Stresses* the importance of continued and improved delivery of humanitarian assistance in Darfur and expresses its satisfaction with the establishment of a Joint High Level Committee on Humanitarian Affairs comprising the Government of the Sudan and some major United Nations humanitarian agencies, which has the mandate of tackling the humanitarian situation;

17. *Decides* to extend, for a further period of 12 months, the mandate of UNAMID as defined by United Nations Security Council resolution 1769 (2007) of 31 July 2007, and requests the Security Council to do the same;

18. *Stresses* the importance of the full respect for the hybrid nature and African character of UNAMID, in line with the relevant decisions and resolutions of the Peace and Security Council and the United Nations Security Council, for the successful implementation of its mandate. In this respect, Council requests the Commission to conduct an assessment of the Mission, with the view of making recommendations on how to strengthen the partnership between the AU and the United Nations and draw lessons for future operations;

19. *Decides* to remain seized of this matter.